



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon B. PAYTON et al

Group Art Unit: 1761

Serial No.: 09/842,195

Examiner: C. Paden

Filed: April 26, 2001

For: pH CONTROL OF SAUCES USED ON ACIDIFIED PASTA OR RICE

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant, through counsel, hereby petition to withdraw a holding of abandonment for failure to respond to an Office Action purportedly mailed May 13, 2004 by the end of the six month statutory period, November 13, 2004.

The reason for the petition is that the Office Action of May 13, 2004 was never received by the attorney of record's office

BACKGROUND

Applicants filed a Response to Notice of Non-Compliant Amendment on April 26, 2004. A copy of the form of the undersigned's file wrapper show that no correspondence was entered since that date except for a routine status letter on November 29, 2004.

On December 6, 2004, the undersigned received a telephone call from the Examiner in charge of the Application urgency as to whether a response had been filed to an Office Action of May 13, 2004. I retrieved the file and told the Examiner that there was no record of the Office Action on the face of the file or within the file.

I subsequently retrieved the Office Action from the USPTO Pair System and initiated an inquiry of the docket clerk on December 7, 2004. A copy of the results of that inquiry is set forth in the Declaration of MaryAnn Taylor, attached as an Exhibit to this Petition.

The results of the inquiry is that none of the records of the firm show receipt of an Office Action dated May 13, 2004, although there were numerous other USPTO mail bearing that date received in the office. The docket record for the instant application, like the face of the file, shows no entry of an Office Action dated May 13, 2004. Similarly, the docket record of all cases due on August 13, 2004 (the presumed three month response date to an Office Action of May 13, 2004 also do not show a due date for the instant application).

In summary, for whatever reason, it does not appear that the Office Action of May 13, 2004, in connection with this application was ever received by this office.

A response to that Office Action is filed simultaneously with this petition.

If any fee is necessary for this petition, it may be charged to the undersigned's deposit account 19-4375, but if the petition is granted refund of the petition fee to that account is requested.

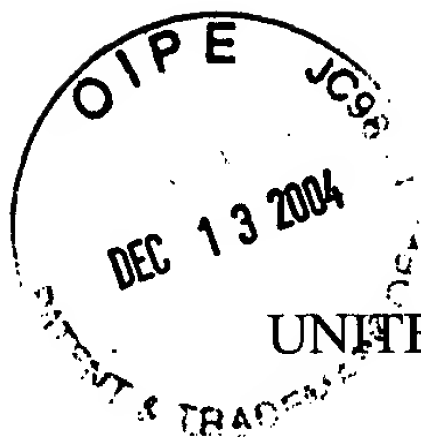
Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689
Attorney of Record

TPP:mat:spp
Attorney Docket No.: TPP 30866A

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Mailing Address: P.O. Box 34387
Washington, D.C. 20043
Telephone: (202) 408-5100
Facsimile: (202) 408-5200 or (202) 408-5088



UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent of

Sharon B. PAYTON et al

Group Art Unit: 1761

Serial No.: 09/842,195

Examiner: C. Paden

Filed: April 26, 2001

For: pH CONTROL OF SAUCES USED ON ACIDIFIED PASTA OR RICE

DECLARATION OF MARY ANN TAYLOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I, Mary Ann Taylor, am over the age of twenty-one years and am fully competent to testify
as to the following matters:

1. I am an employee of Stevens, Davis, Miller & Mosher, L.L.P. and have been employed as Secretary to a partner, Thomas P. Pavelko, since November 12, 1996;
2. I am also the docket clerk for Stevens, Davis, Miller & Mosher, L.L.P. and, as part of my duties, I docket all incoming patent mail from the United States Patent and Trademark Office into Stevens, Davis, Miller & Mosher, L.L.P.'s Patsy Docketing System;
3. In accordance with my duties as docketing clerk, I had docketed all mail forwarded from the United States Patent and Trademark Office, with a mail date of May 13, 2004, into Stevens, Davis, Miller & Mosher, L.L.P.'s Patsy Docketing System;

including any mail from the United States Patent and Trademark Office which would have been for U.S. Patent Application Serial No. 09/842,195;

4. On or about December 7, 2004, I was informed by Thomas P. Pavelko that he had received a telephone call from the examiner in charge of the above-identified application inquiring as to whether or not Stevens, Davis, Miller & Mosher, had filed a response to the Office Action mailed May 13, 2004;
5. I immediately checked our Patsy Docketing System and found that there was no entry for an Office Action dated May 13, 2004 for U.S. Patent Application No. 09/842,195. A copy of the Patsy Docketing Record for U.S. Patent Application No. 09/842,195 is enclosed hereto as Attachment A;
6. I then checked our log book of all incoming mail from the United States Patent and Trademark Office and copied all material with a date of May 13, 2004. I found no record in the log book of Stevens, Davis, Miller & Mosher reflecting receipt of the Office Action of May 13, 2004, for U.S. Patent Application No. 09/842,195. A copy of all incoming mail from the United States Patent and Trademark Office with a mail date of May 13, 2004, is enclosed hereto as Attachment B; I also printed a docket from Stevens, Davis, Miller & Mosher, L.L.P.'s computerized docket records for August 13, 2004, noting that there is no record of any response for U.S. Application Patent Application No. 09/842,195 contained therein, a copy of which is enclosed herewith as Attachment C;
7. Having failed to find any record of receipt of an Office Action dated May 13, 2004, in the log book or on the Patsy Docketing System of Stevens, Davis, Miller &

Mosher, L.L.P., it can be ascertained that no Office Action dated May 13, 2004, for U.S. Patent Application No. 09/842,195, was received in the offices of Stevens, Davis, Miller & Mosher, L.L.P.

Further, declarant sayeth not.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

12/10/04
Date

Mary Ann Taylor
Mary Ann Taylor

SDMM# TPP30866A

PRINTED ON: 12/13/2004

| | | | | | | | |
|---------|----------|---------------|------------|---|------------|-----------|-----------|
| COUNTRY | US | UNITED STATES | TITLE | | PRIOR | 4/26/2000 | |
| NEW/CON | FCA | SERIAL# | 09/842,195 | pH CONTROL OF SAUCES USED ON ACIDIFIED PASTAT OR RICE | MAIL | | |
| RELATED | TPP30866 | PATENT# | | | FILE | 4/26/2001 | |
| TYPE | UTL | STATUS | PUBLISHED | | PUBL | 5/9/2002 | |
| CLIENT | 3859 | KRAFT FOODS | 1 | | ISSUE | | |
| AGENT | | | | CREF | R.I.F.2414 | 1ST | 4/26/2001 |
| | | | | AREF | | EXP | 4/26/2021 |

| ID | O | ACTION | BASE | DUE IN | DUE | EXTNS | FINAL | EXT | RESPONSE | CALL UP | 1 | 2 | P |
|----|---|----------------------|------------|--------|------------|-------|------------|-----|------------|---------|---|---|---|
| FS | N | FILG RCPT STATUS CHK | 4/26/2001 | 3M | 7/26/2001 | | 7/26/2001 | 0 | 6/20/2001 | 0M | Y | Y | Y |
| G2 | N | MISSING PARTS (2 MO) | 6/15/2001 | 2M | 8/15/2001 | 41 | 12/15/2001 | 4 | 9/7/2001 | 1M | Y | Y | Y |
| AS | Y | ASSIGNMENT | 9/7/2001 | | | | | | | | | | |
| PT | Y | ASSOC POWER OF ATTY | 9/7/2001 | | | | | | | | | | |
| ZZ | N | ASSIGNMENT RECORDED? | 9/7/2001 | 6M | 3/7/2002 | 0 | 3/7/2002 | 0 | 11/26/2001 | 0M | Y | Y | Y |
| PU | N | PUBLICATION | 4/26/2001 | 18M | 10/26/2002 | | 10/26/2002 | 0 | 5/24/2002 | 1M | Y | Y | Y |
| SC | N | STATUS CHECK | 4/26/2001 | 18M | 10/26/2002 | 31 | 1/26/2003 | 1 | 10/29/2002 | 1M | Y | Y | Y |
| RR | N | RESTRICTION REQUIRE | 11/27/2002 | 1M | 12/27/2002 | 51 | 5/27/2003 | 0 | 12/18/2002 | 1M | Y | Y | Y |
| RE | N | RESPONSE TO OA | 1/17/2003 | 3M | 4/17/2003 | 31 | 7/17/2003 | 1 | 4/17/2003 | 1M | Y | Y | Y |
| NA | Y | NOTICE OF APPEAL | 6/4/2003 | | | | | | | | | | |
| FR | Y | FINAL REJECTION | 6/4/2003 | | | | | | | | | | |
| RQ | Y | REQ RECON. GRNTD? | 9/4/2003 | | | | | | | | | | |
| RQ | Y | REQ RECONSIDERATION | 9/4/2003 | | | | | | | | | | |
| AV | Y | ADVISORY ACTION | 9/24/2003 | | | | | | | | | | |
| PM | Y | PRELIMINARY AMENDMT | 10/6/2003 | | | | | | | | | | |
| RQ | Y | REQ CONT. EXAM | 10/6/2003 | | | | | | | | | | |
| SC | Y | STATUS CHECK | 10/6/2003 | | | | | | | | | | |
| R4 | N | C-U RESP. NON-COMLIA | 4/7/2004 | 15D | 4/22/2004 | 00 | 4/22/2004 | 0 | 4/22/2004 | 0M | Y | Y | Y |
| RE | N | RESPONSE NON-COMPLIA | 4/7/2004 | 1M | 5/7/2004 | 00 | 5/7/2004 | 0 | 4/26/2004 | 1M | Y | Y | Y |
| SC | N | STATUS CHECK-URGENT | 4/26/2004 | 7M | 11/26/2004 | 0 | 11/26/2004 | 0 | 11/29/2004 | 1M | Y | Y | Y |
| SC | N | STATUS CHECK | 11/29/2004 | 6M | 5/29/2005 | 0 | 5/29/2005 | 0 | | 1M | Y | Y | Y |

INVENTORS

ANTHONY IRWIN

SHARON PAYTON

ASSIGNEES

BORDEN FOODS CORPORATION

PRIOR APPLICATIONS

| REFERENCE# | CNTRY | SERIAL# | FILED | TITLE / DESCRIPTION | TYPE |
|------------|-------|------------|-----------|---|------|
| TPP30866 | US | 60/199,830 | 4/26/2000 | pH CONTROL OF SAUCES USED ON ACIDIFIED PASTAT OR RICE | APPL |

| | | | | | |
|----------|----|-----------|-----------|---|------|
| TPP43243 | CA | 2,345,513 | 4/26/2000 | PH CONTROL SAUCES USED ON ACIDIFIED PASTA OR RICE | APPL |
|----------|----|-----------|-----------|---|------|

| USER-DEFINABLE FIELDS | | PATENT FIELDS | | | |
|-----------------------|------------------|---------------|----|----------|------------------|
| ART# | 1761 | SMALL ENTITY | NO | ART UNIT | 1761 |
| EXAM. | CAROLYN A. PADEN | CLAIMS | 20 | EXAMINER | CAROLYN A. PADEN |
| SDMM# | TPP30866A | PUBLICATION# | | CONFIRM# | 5423 |

| | | | | | | | | | | | | |
|------------|---------|-----------|----------|------------|----|-----|-----------|-----|---|-----|---|-----|
| P10675US01 | ENTERED | 4/26/2001 | MODIFIED | 11/29/2004 | BY | MAB | ATTORNEYS | TPP | / | TPP | / | TPP |
|------------|---------|-----------|----------|------------|----|-----|-----------|-----|---|-----|---|-----|

NOTES

REEL/FRAME NO.: 012154/0807; RECORDATION DATE: SEPT 7, 01;

REEL/FRAME NO.: 012154/0799; RECORDATION DATE: SEPT 7, 01;

PUBLICATION NO.: US-2002-0054939-A1;



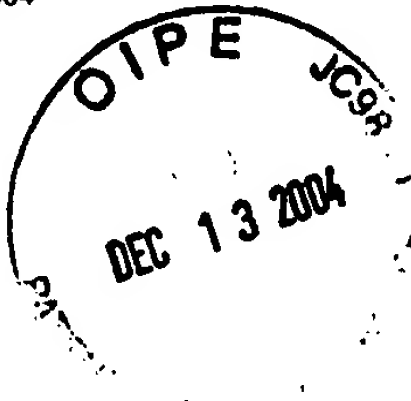
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/362,996 | 05/14/2003 | Mamoru Yamamoto | L8494.03102 | 9368 |

7590
Stevens Davis
Miller & Mosher
Suite 850
1615 L Street NW
Washington, DC 20036

05/13/2004



| EXAMINER |
|----------|
|----------|

MCAVOY, ELLEN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1764

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RESPONSE DUE Aug. 13, 2004
DOCKETED DATE May 17, 2004
BY MA

STEVEN DAVIS, MILLER
AND MOSHER

4 MAY 14 P1:35

RECEIVED



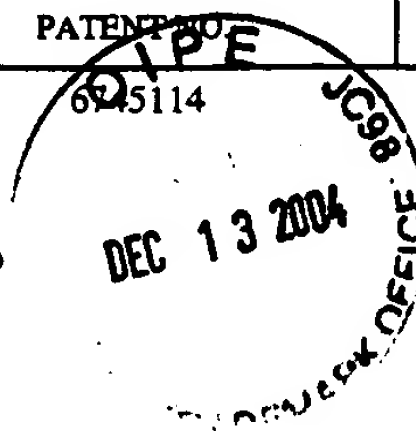
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 10/272,293 | 06/01/2004 | 6245114 | L7307.02149 | 7985 |

24257 7590 05/13/2004

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036



L7734.02149

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Paul Eglin, Aix-En-Provence, FRANCE;

DOCKETED
By MAT on 5.18.04



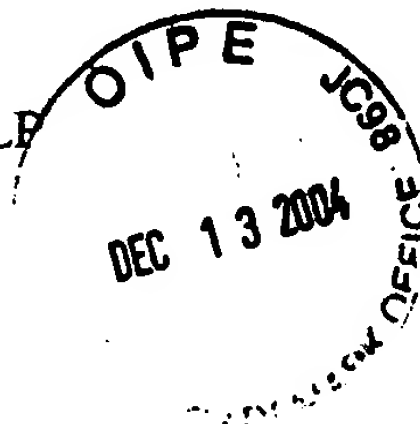
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 10/049,523 | 06/01/2004 | 6745035 | L9289.02117 | 4075 |

24257 7590 05/13/2004

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Hideki Kanemoto, Kanagawa, JAPAN;
Kazuyuki Miya, Kanagawa, JAPAN;

DOCKETED
By MAT on 5.18.04



UNITED STATES PATENT AND TRADEMARK OFFICE

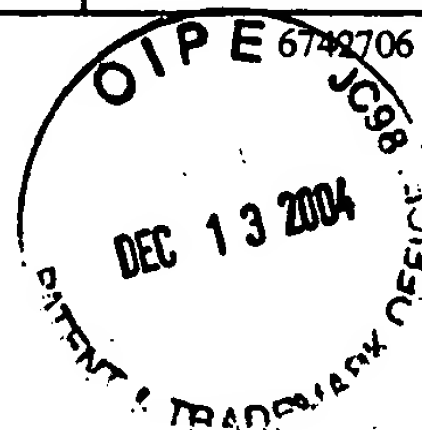
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 09/945,735 | 06/01/2004 | 6742706 | L7016.01123 | 4704 |

7590

05/13/2004

STEVENS
DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 164 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Kazutaka Sakamoto, Kikuchi-gun, JAPAN;
Mikio Kawasaki, Kumamoto-shi, JAPAN;
Hiroyuki Ueta, Tamana-shi, JAPAN;
Sinji Arase, Tamana-shi, JAPAN;

DOCKETED

By MAT on 5.18.04

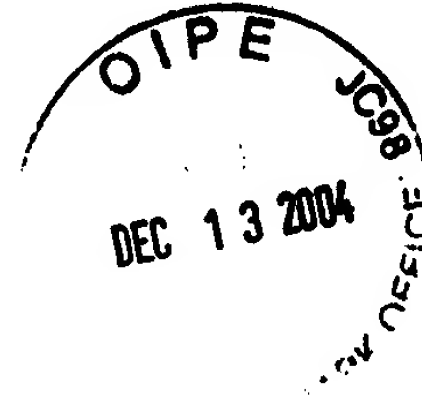


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 09/983,742 | 06/01/2004 | 6743586 | TPP 31409 | 1134 |

7590 05/13/2004
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L. Street, N.W.
Washington, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 43 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

John P. Marino, Silver Spring, MD;
James T. Stivers, Baltimore, MD;
Karen Lacourciere, Silver Spring, MD;

DOCKETED
By MAT on 5.18.04



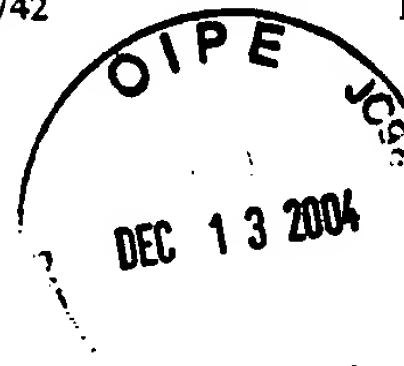
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 10/144,760 | 06/01/2004 | 6742742 | L7307.02124 | 3842 |

24257 7590 05/13/2004

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 59 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Vincent Claudet, Saint Agne, FRANCE;

DOCKETED
By MAT on 5.18.04

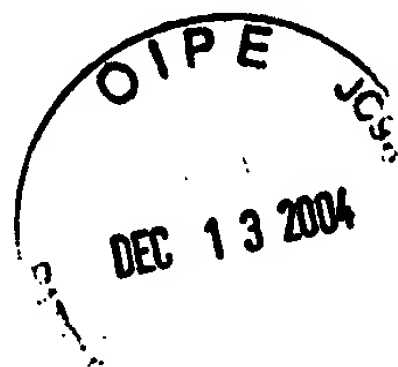


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 09/980,822 | 06/01/2004 | 6742193 | TPP 30851A | 1531 |

7590 05/13/2004
Stevens Davis Miller & Mosher
1615 L Street NW
Suite 850
Washington, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 98 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

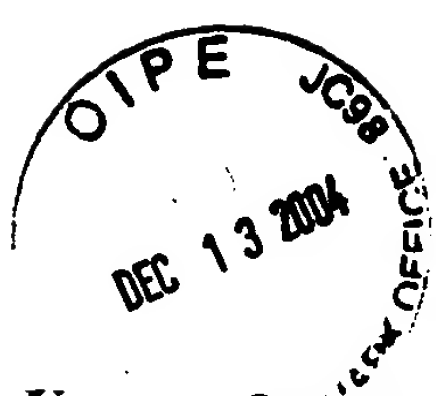
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

David Graziosi, Magnolia, GERMANY;
Donald R Cohee, Felton, GERMANY;
Steven M Lloyd, Smyrna, GERMANY;

DOCKETED

By MAT on 5.18.04

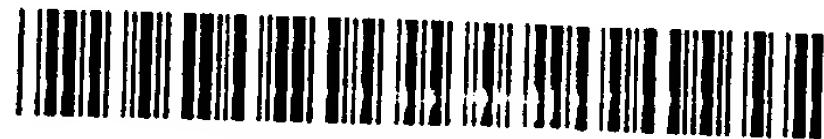


UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13, 2004

PTAS
STEVENS, DAVIS, MILLER & MOSHER, LLP.
JAMES E. LEDBETTER, ESQ.
1615 L STREET, NW, SUITE 850
WASHINGTON, DC 20036



102581796A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/07/2003

REEL/FRAME: 014606/0769
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
TAKAHASHI, HIDEYUKI

DOC DATE: 06/16/2003

ASSIGNOR:
KITAGAWA, KEIICHI

DOC DATE: 06/16/2003

ASSIGNOR:
HAGA, HIROKI

DOC DATE: 06/16/2003

ASSIGNOR:
HAYASHI, MASAKI

DOC DATE: 06/16/2003

ASSIGNOR:
HIRAMATSU, KATSUHIKO

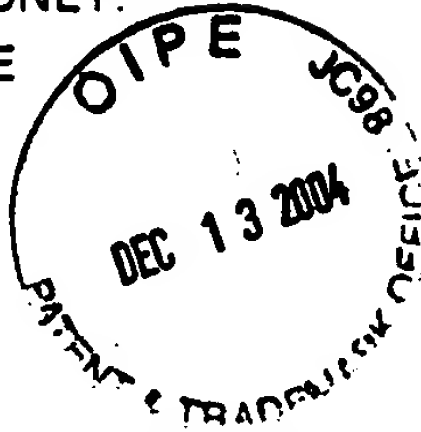
DOC DATE: 06/16/2003

DOCKETED
By MAT on 5.18.04

****Please place on Upper Right Corner****
****of Response to Office Action ONLY.****

Examining Attorney: FAINT, CATHERINE

Serial Number: 76/514113



PATENT AND TRADEMARK OFFICE

MAY 13 2004

APPLICANT: BSH PROFILO ELEKTRIKLI GERECLER SANAYI A ETC.

CORRESPONDENT ADDRESS:

ANTHONY P. VENTURINO
STEVENS DAVIS MILLER & MOSHER L.L.P.
1615 L STREET, N.W., SUITE 850
WASHINGTON, D.C. 20036

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive

Washington, D.C. 2002-3514

FINAL RESPONSE
NOTICE OF APPEAL

DATE DUE Nov. 13, 2004

DOCKETED DATE May 18, 2004

BY MAF

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

MARK: PROFILO

CORRESPONDENT'S REFERENCE/DOCKET NO: RCH15479B

CORRESPONDENT EMAIL ADDRESS:

PRIORITY ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE. This case will be given priority as an amended case if you respond to the requirements stated below within two months.

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

RE: Serial Number 76/514113

The following issues were discussed in communication with Anthony Venturino, Atty. on May 11, 2004.

This letter responds to the applicant's communication filed on April 15, 2004. The applicant amended the identification of goods, which amendments are not entirely acceptable as noted below.

This is a **FINAL** action.

Identification of Goods

The amended identification of goods is unacceptable as indefinite in part. The applicant may not use parenthetical phrases, or the language "but not limited to" as these are indefinite. Also applicant must clarify "fuel, gas or electric." correct the typographical error for "clothes dryers" and delete the redundant identification of "central type air conditioners."



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

em

Mailed: May 13, 2004

Cancellation No. 92042718

CDOC, Inc.

v.

FORGET-ME-NOT FOUNDATION,
INC., THE

Answer was due on January 24, 2004. A review of the record shows that an answer has not been filed.

This case now comes up for consideration of petitioner's motion, filed March 19, 2004, for default judgment against respondent for failure to file an answer. The motion is uncontested.

Inasmuch as respondent failed to file an answer in this case, and failed to respond to petitioner's motion in any manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby entered against respondent, the petition for cancellation

¹ If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of

DOCKETED

By BKB on 05/20/04



DEC 13 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|------------------------|-----------------------|------------------------|
| 10/481,451 | 12/19/2003 | Kenichi Miyoshi | L9289-03181 |

24257
STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036

CONFIRMATION NO. 5191



OC000000012638534

Date Mailed: 05/13/2004

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 08/19/2004. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

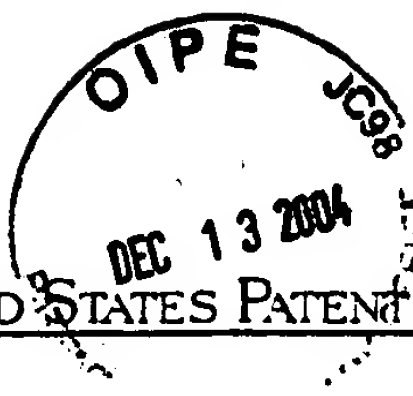
If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently <http://pair.uspto.gov>. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

PART 1 - ATTORNEY/APPLICANT COPY

DOCKETED
By MAT on 5.21.04



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|------------------------|-----------------------|------------------------|
| 10/384,702 | 03/11/2003 | Francis W. Wang | TPP31480 |

STEVENS, DAVIS, MILLER & MOSHER, LLP
Suite 850
1615 L Street NW
Washington, DC 20036

CONFIRMATION NO. 4045



Date Mailed: 05/13/2004

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 07/15/2004. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently <http://pair.uspto.gov>. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

PART 1 - ATTORNEY/APPLICANT COPY

DOCKETED

By MAT on 5.21.04

URGENT ATTORNEY #1 DOCK FOR THOMAS P. PAVELKO

Through: 8/16/2004

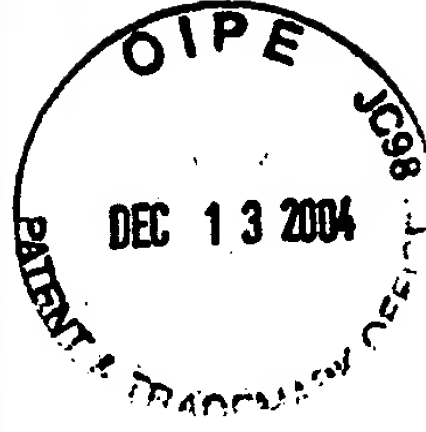
Printed: 8/12/2004

Daily Docket up thru Monday, August 16, 2004

| ATTY1/ATTY2 | REFERENCE# | TITLE/MARK | CLIENT | REG/SERIAL# | ACTION | CURRENT EXT | EXT AVAILABLE |
|-------------|-------------|-------------|---|-------------------------------------|----------------------|-------------|---------------|
| DUE | PARA | | | | | | |
| August 2004 | | | | | | | |
| 13 Fri | TPP/TPP/TPP | TPP31479A | ILC DOVER, INC. | (US) 10/777,088 | PUBLICATION | 0 | None |
| 13 Fri | TPP/TPP/TPP | TPP31479A | ILC DOVER, INC. | (US) 10/777,088 | CU-FOR FIL DUE-2/13 | 0 | None |
| 13 Fri | TPP/TPP/TPP | TPP31479PCT | ILC DOVER, INC. | (WO) PCT/04/04362 | RECORD COPY CHECK | 0 | None |
| 13 Fri | TPP/TPP/TPP | TPP31479PCT | ILC DOVER, INC. | (WO) PCT/04/04362 | INT'L SRCH RPT RECVD | 0 | None |
| 13 Fri | TPP/TPP/TPP | TPP31479PCT | ILC DOVER, INC. | (WO) PCT/04/04362 | PUBLICATION | 0 | None |
| 13 Fri | TPP/TPP/PP | TPP31488PCT | HARVEY PAWLICK | (WO) PCT/US04/12970 | VERIFY DESIGNATIONS | 0 | None |
| 13 Fri | TPP/TPP/NOW | TPP43282IL | METHOD AND CONSTRUCTION OF HASH F | Non-Elephant Encryption System (IE) | S2002/0741 | 0 | None |
| 13 Fri | TPP/TPP/NOW | TPP43283IL | KEY AGREEMENT PROTOCOL BASED ON N | Non-Elephant Encryption System (IE) | S2002/0742 | 0 | None |
| 13 Fri | TPP/TPP/TPP | TPP43370IE | A KEY AGREEMENT PROTOCOL BASED ON | Non-Elephant Encryption System (IE) | N/A | 0 | None |
| 14 Sat | TPP/TPP/NOW | TPP31448 | MINIATURE FREQUENCY STANDARD BASE | NATIONAL INSTITUTE OF STA | (US) 10/175,498 | 0 | None |
| 14 Sat | TPP/TPP/PP | TPP31488 | ANIMAL REGISTRY SYSTEM AND METHOD | HARVEY PAWLICK | (US) 10/436,141 | 0 | 3 Exu/1 Mnth |
| 15 Sun | TPP/TPP/TPP | TPP31414DIV | FLOORING MATERIAL | PERSTORP SUPPORT AB | (US) 10/712,342 | 0 | None |
| 15 Sun | TPP/TPP/TPP | TPP43087 | TEXTURE STABILIZED FRESH PASTA FOR C BORDEN FOODS CORPORATI | (IT) UD 98 A 000124 | STATUS CHECK | 2 | None |

END OF REPORT

TOTAL ITEMS SELECTED = 13



#1324

draft
then find

AGENT/ASSOCIATE ATTY.

AGENT/ASSOCIATE REF. NO.

TPP
SDM & M PARTNER

SDM & M ASSOCIATE

Sharon B. PAYTON et al

INVENTOR

09/842,195

APPLN. SERIAL NO.

April 26, 2001

FILING DATE

pH Control of Sauces Used on Acidified Pasta or Rice

INVENTION TITLE

PERSECUTION HISTORY

| Description of Paper | Date of Paper | Due Date (If Any) |
|--|--------------------|-------------------|
| Notice to File Missing Parts | June 15, 2001 | August 15, 2001 |
| Response to Notice to File Missing Parts | Sept. 7, 2001 | |
| Notice of Publication | May 9, 2002 | |
| First Letter | October 29, 2002 | |
| Restriction Requirement | November 27, 2002 | December 27, 2002 |
| Response to Restriction Requirement | December 18, 2002 | |
| First Action | January 13, 2003 | April 17, 2003 |
| Amendment | April 17, 2003 | |
| Final Rejection | June 4, 2003 | September 4, 2003 |
| Request for Reconsideration | September 4, 2003 | |
| NOA / XOT | | October 4, 2003 |
| Advisory Action | September 23, 2003 | |
| ACE / Pre. Amend | October 6, 2003 | |
| Notice of Non-Compliant Amendment | April 7, 2004 | May 7, 2004 |
| Response to Notice | April 26, 2004 | |
| Status Letter | November 29, 2004 | |

Date Accepted/Allowed

Date Granted

Patent Number

Patent Date

© 1998 By

DAVIS MILLER & MOSHER, LLP

Suite 850

6100 Shreveport Blvd.

New Orleans, LA 70112

Phone: (504) 581-2000

BEST AVAILABLE COPY